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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FORECAST CONSOLES, INC.,

Plaintiff,

-against-

TBC CONSOLES, INC., et al.,

Defendants.  
-----X

07 Civ. 3106 (KMW) (KNF)

ORDER

KIMBA M. WOOD, U.S.D.J.:

Any party seeking to file a motion for summary judgment shall serve and file a Local Civil Rule 56.1 Statement by March 19, 2008. Opposing counsel shall serve and file a response to the movant's Local Civil Rule 56.1 Statement -- and, if opposing counsel wishes, a Counterstatement -- within ten (10) business days after the service of the movant's Statement. The movant may serve and file a response to any Counterstatement within five (5) business days after service of the response to the 56.1 Statement. After review of the parties' 56.1 Statements, the Court will hold a pre-motion conference, if it believes that such a conference will be useful.

The Local Rule 56.1 Statement must contain only one factual assertion in each numbered paragraph. Each factual assertion must be followed by a citation to the portion(s) of the evidentiary record relied on: for example, "Ms. Jones traveled to Burlington, Vermont on July 10, 2005. (Smith Aff. ¶ 3; Hays Dep.

25.)" The response to the Local Rule 56.1 Statement must contain numbered paragraphs tracking those in the movant's Local Rule 56.1 Statement, and in each paragraph must state specifically what is admitted, what is disputed, and the basis for any dispute, citing specifically the portion(s) of the evidentiary record relied on: for example, "Ms. Jones was in New York City at all times during the month of July 2005. (Jones Aff. ¶ 8; Walsh Dep. 50-53.)" Lack of relevance is not a valid reason for refusing to agree that a fact is not "in dispute." Each assertion must be a factual assertion, not a legal one. Responsive 56.1 Statements must respond to all the allegations of the opponent's 56.1 Statement, and may go on to make additional factual allegations, in which case the opponent must file a responsive 56.1 of its own.

SO ORDERED.

Dated: New York, New York  
March 4, 2008



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Kimba M. Wood  
United States District Judge